

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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RICHARD D. MEADOW,

Plaintiff,

**Civil Case No.: 10-cv-3128 (DLC)**

v.

FIFTH ON THE PARK CONDO, LLC,

Defendant.

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**PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE**

Plaintiff Richard D. Meadow ("Meadow"), hereby provides this response to the Court's Order, dated April 30, 2010, requiring the Plaintiff to Show Cause, and in support thereof, respectfully states as follows:

1. The Lanier Law Firm represents Plaintiff Richard D. Meadow in the above-captioned matter.

2. The Court's Order to Show Cause, dated April 30, 2010, requires the Plaintiff to show cause as to why this action should not be dismissed in view of the Court's decision dismissing the related case Bodansky v. Fifth on the Park Condo, LLC, No. 09 Civ. 4651 (DLC), 2010 WL 334985 (S.D.N.Y. Jan. 29, 2010).

3. Plaintiff Meadow respectfully disagrees with the Court's decision and understands that, on February 22, 2010, the plaintiff in the Bodansky action appealed to the United States Court of Appeals for the Second Circuit pursuant to FED. R. APP. PROC. 3(b)(1) from the Judgment of The Honorable Denise L. Cote, U.S.D.J., that defendants Fifth on the Park Condo, LLC, et al., are exempt from the Interstate Land Sales Full Disclosure Act's registration and disclosure requirements pursuant to the 100 Lot Exemption, 15 U.S.C. §

1702(b)(1) and the Improved Lot Exemption, 15 U.S.C. § 1702(a)(2), and dismissing the Plaintiffs' claims for rescission of their purchase agreements, return of their deposits and interest, and payment of attorneys' fees, entered on January 30, 2010.

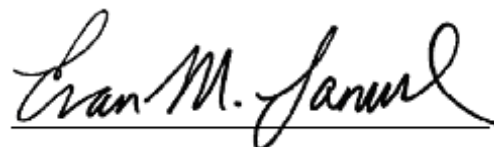
4. Plaintiff Meadow respectfully submits that the most efficient and resource-saving course of action would be for the Court to stay the proceedings in this case pending the outcome of the related and consolidated pending appeal, particularly since judicial economies before the Second Circuit may be best preserved in the absence of dismissing this action and adding yet another appellant to the already advanced appeal brought by other similarly situated litigants whose cases have previously been dismissed by this Court, or spurring a redundant appeal.

5. In the event that the Court of Appeals affirms and there are no further appellate proceedings, the Court could dismiss this action at that time; in the event that the Court of Appeals reverses, the parties will not have to take the additional steps of re-filing and responding to a renewed pleading in a dismissed action.

Dated: New York, New York  
May 14, 2010

Respectfully submitted,

**THE LANIER LAW FIRM, PLLC**

A handwritten signature in black ink, reading "Evan M. Janush". The signature is fluid and cursive, with a horizontal line underneath it.

EVAN M. JANUSH, ESQ. (EJ 9664)  
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Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

EVAN M. JANUSH, ESQ., being duly sworn, deposes and says that on the 14<sup>th</sup> day of May, 2010, he served a true and correct copy of Plaintiff's Response to Order to Show Cause upon counsel for Defendant Fifth on the Park Condo, LLC - Dan A. Ross, Esq., at Stroock, located at 180 Maiden Lane, New York, NY 10038 - via email and via First Class Mail.

**THE LANIER LAW FIRM, PLLC**

A handwritten signature in black ink, reading "Evan M. Janush", written over a horizontal line.

EVAN M. JANUSH, ESQ. (EJ 9664)  
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